

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Case No. 04-00222-01-CR-W-HFS
)
JOHN EVAN MIZIC,)
)
Defendant.)

MEMORANDUM

A letter from defendant Mizic dated September 3, 2012, asks me to reconsider my order of August 20, 2012 (Doc. 66) on the theory that I have authority to correct the judgment, citing United States v. Tramp, 30 F.3d 1035 (8th Cir. 1994). Because an appeal is now pending before the Court of Appeals it is not appropriate for me to take further action. The issue is also apparently under advisement in administrative proceedings of the Bureau of Prisons. See my prior order. The same question should not be pending before different authorities and would not be dealt with by me even if I had current discretion to take action.

/s/ Howard F. Sachs
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

November 2, 2012

Kansas City, Missouri